

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 MARLYN MAJANO,

4 Plaintiffs

5 v.

6 STATE FARM MUTUAL AUTOMOBILE
7 INSURANCE COMPANY,

8 Defendant

Case No.: 2:19-cv-02148-APG-EJY

Order Remanding Case

9 I previously directed defendant State Farm to show cause why this action should not be
10 remanded because it had not shown by a preponderance of the evidence that the amount in
11 controversy was satisfied. ECF No. 4. State Farm's response to my order likewise does not show
12 by a preponderance of the evidence that removal is proper.

13 The complaint does not request a specified amount. State Farm mentions that the
14 plaintiff made \$100,000 settlement demands, but it admits that prior to suit being filed, the
15 plaintiff reduced that demand to \$70,000. ECF No. 9-13. Additionally, the plaintiff asserts she
16 suffered approximately \$47,000 in medical expenses and lost wages. But that is offset by the
17 \$25,000 she recovered from the tortfeasor's insurance as well as another \$36,710 that State Farm
18 paid the plaintiff prior to this suit being filed. *Id.* Further, the plaintiff disputes that she is
19 pursuing a bad faith claim in this case and the complaint does not appear to allege one. ECF Nos.
20 1-1; 7. Accordingly, I cannot exercise subject matter jurisdiction over this action so I will
21 remand it to state court.

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1 I THEREFORE ORDER that this case is remanded to the state court from which it was
2 removed for all further proceedings. The clerk of court is instructed to close this case.

3 DATED this 8th day of January, 2020.

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6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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